

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

TAQUERA J. WHITSETT, L.P.N.
License # 26NP06992000

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Taquera J. Whitsett ("Respondent") was issued a license to practice as a Licensed Practical Nurse (LPN) in the State of New Jersey on June 25, 2013 and has been a licensee at all times relevant hereto.

2. On or about January 21, 2014, the Board issued a letter of inquiry asking Respondent, inter alia, to provide information concerning an arrest for assault on police on December 28, 2013 in Hoboken.

3. The letter of inquiry was sent by certified and regular mail to Respondent's address of record. The certified mail receipt was signed upon delivery. The regular mailing was not returned. The Board received no response.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 - 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a five hundred dollar (\$500) civil penalty was entered on August 15, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing the information the Board had originally requested in the letter of inquiry. Respondent maintained that she faxed a partial response to the Board after receiving the letter of inquiry, but could not provide a copy of what she supposedly sent or a fax confirmation sheet. Thereafter, Respondent failed to update the Board on the status of her criminal case until after the Provisional Order of Discipline was filed.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer

warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

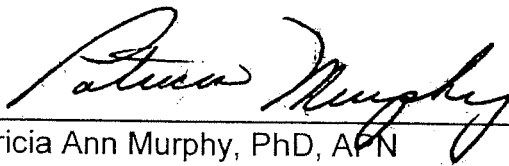
ACCORDINGLY, IT IS on this 22 day of January, 2015,

ORDERED that:

1. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 - 1.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President